

REMARKS

Claims 1-37 are pending in the subject application prior to entry of this Amendment. By the Amendment herewith, Applicant amends the claims to, for example, clarify that a mobile device transmits a content based message for storage and output to an other device.

More particularly, independent claim 1 is amended to recite a “mobile device comprising: a processor for adding location information to a message, before transmission of the message to storage, wherein the message is for transfer from the storage to an other device and the message comprises content for output to a user of the other device, wherein the location information identifies a geographical area within which the message is to be stored for transfer to the other device; and a transmitter for transmitting the message, within the location information” (emphasis added). Independent claim 15 also is amended to recite a “method comprising adding location information to a message, before transmission of the message to storage, wherein the message is for transfer from storage and the message comprises content, identifying a geographical area within which the message is to be stored; and transmitting the message, with the location information” (emphasis added).

Similarly, independent claims 36 and 37, respectively, now recite: 36) a “mobile device comprising: a processor arranged to create separate data structures by dividing a message into a plurality of separate message portions and adding to each of the separate message portions location information that is the same for the plurality of message portions of the message; and a transmitter for transmitting data structures separately for storage in devices located within a geographical area” (emphasis added); and 37) a “mobile device comprising: a processor for adding location information to the message, before transmission of the message to an adaptive database for storage, wherein the message is for transfer from the adaptive database to an other device and the message comprises content for output to a user of the other device, wherein the location information identifies a geographical area that defines the adaptive database and within which the message is to be stored by the adaptive

database for transfer to the other device; and a transmitter for transmitting the message, with the location information” (emphasis added).

The claims also are amended to further conform to US practice, and new dependent claims 38-47 are added. Support for the afore-referenced amendments exists in the specification at, for example, pages 3-5 and in the original claims. No new matter is introduced into the application.

Accordingly, upon entry of this Amendment, claims 1-47 are pending. Of those claims, claims 16-35 are withdrawn from consideration as a result of a prior restriction requirement.

In the outstanding Office Action, claims 6-8 are rejected under 35 USC Section 112, second paragraph, as being indefinite. In particular, the Patent Office objects to the use of “ID.” Applicant respectfully traverses this rejection and asserts that the claims are definite. However, in the interest of advancing the prosecution of the application, “ID” has been changed to “identifier” in claims 6-8. Accordingly, the rejection should be reconsidered and withdrawn.

Claims 1, 4-15 and 37 are rejected under 35 USC Section 102(e) as being anticipated by Champagne et al. (US Patent 7,143,169, hereinafter “Champagne”). Claims 2-3 and 36 are rejected under 35 USC Section 103(a) as being unpatentable over Champagne as applied to claims 1, 4-15 and 37 in view of “Official Notice.”

The foregoing rejections are respectfully disagreed with, and are traversed below.

Champagne discloses a location dependent routing of a message in a network. Champagne further discloses a method of using a load balancing technique when requesting to view content on a website (column 12, line 23 to column 13, line 29). A first computer system (client) transmits a request message onto a network towards the website. A second data communications device receives the message and generates extra data based on demographic information (e.g. client location information) for insertion into the message. A first data communications device receives the message and extracts the extra data, comparing it to routing criteria in order to select an identity of a server from a plurality of servers that are

capable of processing the request message. The load balancing technique is then used to further select and forward the request message onto a selected server (i.e. a web server). This may be useful for instance, in a website where there are numerous requests that need load balancing.

The load balancing technique disclosed in Champagne relates to the routing of a message to a selected web server based on demographic information of the client computer that originated the message. Champagne does not relate to the depositing of a message for hosting in an adaptive, area-dependent database and output to another device. More particularly, Champagne does not disclose or suggest "... requiring a processor for adding location information to a message, before transmission of the message to an adaptive database for storage, wherein the message is for transfer from the adaptive database to an other device and the message comprises content for output to a user of the other device ..." as in, for example, Applicant's independent claim 37.

Furthermore, Champagne discloses the messages in the system as "request" messages that are requesting information. Champagne does not disclose or suggest messages comprising content for output as in Applicant's independent claims 1 and 37, or where "the message is for transfer from storage and the message comprises output ..." as in Applicant's independent claim 15. Champagne does not disclose or suggest "a mobile device" or a "transmission of the message to storage, wherein the message is for transfer from the storage to an other device and the message comprises content for output to a user of the other device" as in Applicant's independent claims 1 and 37, respectively. Similarly, this reference does not disclose or suggest Applicant's method of independent claim 15, wherein the message is for transfer from storage and the message comprises content, identifying a geographical area within which the message is to be stored. Champagne also does not disclose or suggest Applicant's mobile device of independent claim 36 wherein a "processor is arranged to create separate data structures ... and adding to each of the separate message portions location information that is the same for the plurality of message portions of the message."

Champagne does not teach or suggest the depositing of a message by one device to a storage that hosts the message for output to another device. Champagne also does not suggest or teach the mobility of the device.

There is no reason to modify the teachings of Champagne in an attempt to arrive at Applicant's independent claims. Moreover, the addition of any "Official Notice" information regarding the concept of dividing messages does not cure the shortcomings of Champagne noted above and thus does not disclose or suggest Applicant's claims.

Accordingly, as independent claims 1, 15, 36 and 37 are believed to be patentable, dependent claims 2-14, 38-47 also are believed to be patentable at least in view of their dependency from an allowable independent claim.

All issues having been addressed, the subject application is believed to be in condition for immediate allowance. Accordingly, the Examiner is respectfully requested to reconsider and withdraw the outstanding rejections. A Notice of Allowance is therefore respectfully requested.

Should the Examiner have any questions, a call to the undersigned would be appreciated.

Respectfully submitted,

Christine Wilkes Beninati

Christine Wilkes Beninati (Reg. No. 37,967)

August 12, 2008
Date

Customer No.: 29683
Harrington & Smith, PC
4 Research Drive
Shelton, CT 06484-6212
203-925-9400

CERTIFICATION OF MAILING

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

8.12.2008
Date

Jessica Lee
Name of Person Making Deposit